

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DARREN MILLIGAN,

Plaintiff,

-against-

CITY OF NEW YORK, COMMISSIONER RAYMOND  
W. KELLY, SUPERVISOR POLICE OFFICER JOHN  
DOE #1; DETECTIVE MATTHEW HUTCHENISON,  
SHIELD #7774, POLICE OFFICER JOHN DOES #1-5,  
SUPERVISOR POLICE OFFICER JOHN DOE #2;  
POLICE OFFICER JOHN DOES #6-10; the individual  
defendants sued individually and in their official capacities,

Defendants.  
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**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE**

**06 CV 6534 (CBA)(SMG)**

**WHEREAS**, plaintiff commenced this action by filing an amended complaint on or about April 2, 2007, alleging violations of his civil rights pursuant to 42 USC § 1983 and state law claims; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff the sum as set forth herein as follows in full satisfaction of all claims, including claims for costs, expenses, and

attorney fees: Darren Milligan the sum of Twenty-One Thousand Dollars (\$21,000). In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants, City of New York, Raymond W. Kelly and Detective Hutchenison, with prejudice, and to release the defendants and any present or former employees or agents of the City of New York, from any and all liability, claims, or rights of action under state or federal law which were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorneys all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
\_\_\_\_\_, 2007

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Michael Kushner, Esq.  
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New York, New York 10118  
Attorneys for Plaintiff

By: 

Michael Hueston, Esq. (MH 0931)

MICHAEL A. CARDOZO  
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City of New York  
Attorney for Defendants  
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By: 

Jennifer L. Rubin, Esq.  
Assistant Corporation Counsel

SO ORDERED:

  
s/Hon. Carol B. Amon  
U.S.D.J.

11/20/07